

State of California
Regional Water Quality Control Board
San Diego Region

Executive Officer Summary Report
June 12, 2002

ITEM: 10

SUBJECT: PUBLIC HEARING: APPROVAL OF MODEL SUSMP
(STANDARD URBAN STORM WATER MITIGATION PLAN)
REQUIRED BY SAN DIEGO MUNICIPAL STORM WATER
PERMIT (ORDER NO. 2001-01, NPDES PERMIT NO.
CAS0108758). (TENTATIVE RESOLUTION NO. R9-2002-0097)
(Phil Hammer)

PURPOSE: To adopt the resolution approving the Model Standard Urban Storm
Water Mitigation Plan (SUSMP) with modifications.

PUBLIC NOTICE: A public notice soliciting comments on the tentative resolution and
modifications to the Model SUSMP was published in the San Diego
Union Tribune on April 17, 2002 (Supporting Document 5). Interested
parties were also noticed by e-mail on April 16, 2002. The public
notice, tentative resolution, modified Model SUSMP, and Staff Report
were placed on the SDRWQCB web site on April 16, 2002. The 30-day
written comment period closed on May 16, 2002.

DISCUSSION: On February 21, 2001, the San Diego Regional Water Quality Control
Board (Regional Board) adopted Order No. 2001-01, the San Diego
Municipal Storm Water Permit (Permit). The Permit includes a set of
requirements for how urban runoff from new development and
significant redevelopment is to be managed by the County of San Diego,
the incorporated cities of San Diego County, and the San Diego Unified
Port District (Copermittees). The requirements provide that certain
categories of development projects must implement best management
practices (BMPs) to reduce pollutants and control flows leaving the
projects. Under the Permit, the Copermittees are directed to collectively
develop a plan to guide the implementation of the new development and
significant redevelopment requirements. This plan is called the Model
Standard Urban Storm Water Mitigation Plan (SUSMP).

Regional Board staff participated in the Copermittees' development
process of this Model SUSMP by attending meetings and providing
comments on draft versions of the plan. On December 10, 2001,

Regional Board staff also provided written comments to the Copermittees on a “final” draft version of the Model SUSMP (Attachment 3 of Supporting Document 4). On February 21, 2002, the Copermittees submitted a final Model SUSMP for consideration of approval by the Regional Board. The Model SUSMP did not address many of the comments provided to the Copermittees by Regional Board staff. To address these omissions, Regional Board staff modified the Model SUSMP to make it consistent and compliant with Order 2001-01. This modified Model SUSMP, a tentative resolution approving the modified Model SUSMP, and a Staff Report explaining the staff modifications were sent out for a 30-day public comment period on April 16, 2002 (Supporting Document 4). On May 8, 2002, Regional Board staff also met with the Copermittees to discuss the modifications to the Model SUSMP. Written comments received by May 16, 2002 were reviewed and have been provided with written responses (Supporting Documents 2 and 3). Based on meetings with the Copermittees and written comments received, Regional Board staff has revised its original modifications to the Model SUSMP to provide the Copermittees with more flexibility in implementing the Model SUSMP (Attachment 2 of Supporting Document 1). The main alterations are in the following sections of the Model SUSMP:

1. **Site Design Storm Water Treatment Credits** - The Copermittees requested the flexibility to develop a system to give “storm water treatment credits” to projects that implement good site design BMPs. The storm water treatment credits would allow projects to reduce the amount of runoff needed to be treated and controlled, in exchange for implementation of good site design BMPs (e.g. conservation of natural areas and stream buffers). While this concept was supported by staff, the Permit required that such a system be developed as part of the Model SUSMP. To provide for such a credit system, this section of the Model SUSMP allows the Copermittees to propose a credit system for Regional Board approval in the future.
2. **Alternative Methods for Achieving Treatment Requirements** - The Copermittees requested the flexibility to develop “alternative methods” to meet the Permit’s structural treatment BMP requirements. The “alternative methods” would essentially allow development project proponents to treat runoff from areas other than their project area, rather than treat the runoff generated specifically by their project. However, such an approach is not in compliance

with the Permit, unless structural treatment BMPs have been determined by the Copermittees to be infeasible for the project. To address this situation, wording has been added to this section to allow the Copermittees the opportunity to implement “alternative methods” of treatment for projects that receive a waiver of infeasibility.

3. **Establish Storm Water BMPs** - Wording has been added to provide the Copermittees with more control over BMP implementation under their local SUSMP programs.
4. **Conditions of Concern** - In this section of the Model SUSMP, the Copermittees have developed “criteria” for the control of downstream erosion by requiring each project to conduct a drainage study to address conditions of concern and downstream erosion resulting from the project. Staff originally modified the Model SUSMP to require the development of a numeric criteria over the permit cycle to enhance the effectiveness of these drainage studies. Despite the feasibility of developing numeric criteria to protect against downstream erosion, the Permit does not specifically require that “numeric” criteria be developed. In response to comments received, this modification has been removed from the Model SUSMP.

Each of the above issues is discussed in more detail in the Updated Staff Report (Attachment 1 of Supporting Document 1). The Updated Staff Report addresses each modification to the Model SUSMP proposed by Regional Board staff. It also discusses where original Regional Board staff modifications to the Model SUSMP have been altered to address Copermittee concerns.

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CONCERNS:

The City of Santee, City of San Marcos, and the Building Industry Association (BIA) have filed suit in the State of California Superior Court seeking to overturn many aspects of the San Diego Municipal Storm Water Permit (Order No. 2001-01), including the requirements for the development of a Model SUSMP.

SUPPORTING
DOCUMENTS:

- 1 Tentative Resolution No. R9-2002-0097 (May 30, 2002)
Attachment 1 - Updated Staff Report for Tentative
Resolution No. R9-2002-0097

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- Attachment 2 - Updated Model SUSMP with Modifications
- 2 Response to Comments (May 30, 2002)
- 3 Public and Agency Comments (Eight Parties)

- 4 Tentative Resolution No. R9-2002-0097 (April 16, 2002)
 - Attachment 1 - Staff Report for Tentative Resolution No. R9-2002-0097
 - Attachment 2 - Model SUSMP with Modifications
 - Attachment 3 - Regional Board December 10, 2001
 - Comment Letter on Draft Model SUSMP
- 5 Public Notices (April 16-17, 2002)

RECOMMENDATION: Adoption of Tentative Resolution No. R9-2002-0097 is recommended.